

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal Action No. 3:11CR54-02

JOSEPHINE ARTILLAGA ADAMS,

Defendant.

INITIAL SCHEDULING ORDER

On September 16, 2011 came the United States of America by Alan G. McGonigal and Michael D. Stein, Assistant United States Attorneys, and also came the Defendant, JOSEPHINE ARTILLAGA ADAMS, in person, and by her counsel, Brendan S. Leary, Assistant Federal Public Defender, for arraignment in the above-styled criminal action. Whereupon the Magistrate Judge, in open court, determined that the Defendant had received a copy of the indictment. The Defendant waived reading of the indictment and pleaded not guilty. In accordance with the Local Rules of Criminal Procedure (LCr R),

IT IS ORDERED THAT:

(1) The United States Attorney shall provide the Defendant's counsel with copies of pre-trial discovery and inspection on or before **September 23, 2011**. LR Cr P 16.01.

Reciprocal discovery is to be provided on or before **October 7, 2011**.

Any declination of disclosure, additional discovery or inspection and additional evidence shall be in accordance with LR Cr P 16.02, LR Cr P 16.03 and LR Cr P 16.04.

(2) Exculpatory evidence shall be disclosed on or before **September 23, 2011**. LR Cr P 16.05.

(3) All motions, including any motion for a bill of particulars pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure and LR Cr P 47.01, shall be filed on or before October 3, 2011. All such motions shall contain or be accompanied by a memorandum or brief presented at the time of filing setting forth the reasons and legal support for granting such motion. If this memorandum or brief is not presented at the time of filing, the motion will be dismissed.

(4) Responses to all such motions with legal support or memorandum shall be filed on or before October 12, 2011.

(5) A hearing on all motions, if referred to the Magistrate Judge by the Court, shall be held by the Magistrate Judge on October 13, 2011, at 9:00 a.m. The defendant shall be present at the hearing on all pre-trial motions. The United States Marshal Service requires that subpoenas for witnesses be issued ten days prior to the date of the hearing in order for them to be able to serve them.

(6) Rule 404(b), Giglio, and Roviaro evidence shall be disclosed on or before October 31, 2011. LR Cr P 16.06.

(7) It is requested that the government disclose materials described in 18 U.S.C. § 3500 (Jencks act material) on or before October 31, 2011. LR Cr P 16.07.

(8) All proposed voir dire questions, motions in limine (which must be limited to matters actually in dispute) and proposed jury instructions shall be submitted by counsel to the Court and opposing counsel on or before 5:00 p.m., November 7, 2011. LR Cr P 24.01/30.01.

The proposed jury instructions will (1) contain the style of the case, (2) the name of the party submitting the jury instructions, (3) be separately and consecutively numbered, (4) state by title the

subject matter of the instruction, and (5) include a recorded citation of authority in support of the proposed jury instruction.

Objections to opposing counsel's instructions of law are due in writing no later than the last working day before trial.

If the instructions in this case are being typed on a computer, counsel are requested to provide to the court a disk containing the instructions in WordPerfect 8.0 format which is labeled as to the case style, civil action number and party proposing the instructions. The envelope containing the disk should be marked "Contains Disk--Do Not X-Ray--May be Opened for Inspection". The disk will be returned to counsel if requested. LR Cr P 24.01.

(9) By 5:00 p.m., October 31, 2011, counsel for each party shall submit to the Clerk, with a copy to opposing counsel, a list of probable witnesses and possible witnesses (identified as such), but not whether or not the Defendant shall be a witness. The list shall state the full name and address of each witness and shall also contain a brief statement of the subject matters to be covered by each witness. Expert witnesses and record custodians, shall be identified as such on the list.

LCrR16.7.

(10) By 5:00 p.m., October 31, 2011, counsel for each party shall file with the Court and with opposing counsel a list of exhibits to be offered at trial. In addition, counsel for each party shall number the listed exhibits with evidence tags which may be obtained from the Clerk and shall exchange a complete set of marked exhibits with opposing counsel (except for large or voluminous items or other exhibits that cannot be reproduced easily). LCrR16.8.

(11) If this matter results in the formulation of a plea agreement, counsel shall submit to the Court the executed plea agreement or an unexecuted final proposed agreement by **5:00 p.m., November 7, 2011.**

The deadlines stated in LR Cr P 16.08, LR Cr P 16.09, and LR Cr P 24.01, are deadlines for hand-delivery or delivery by FAX. If the items required to be served on opposing counsel are served by mail, the deadline shall be two (2) days earlier.

(12) A pre-trial conference in this case will be held before the Honorable John Preston Bailey, Chief Judge, on **November 7, 2011, at 10:00 a.m.**

(13) **Jury selection** in this matter will be conducted before the Court at the following time and place:

Federal Building
12th & Chapline Streets, 2nd Floor, North Courtroom,
Wheeling, WV 26003

November 14, 2011, at 8:30 a.m.

(14) **Trial** will commence upon completion of jury selection in all cases scheduled for trial. As of this date, this case is set for trial as the **FIRST** case.

(15) IF A PARTY DESIRES TO FILE A MOTION FOR A CONTINUANCE OF A TRIAL OR ANY OTHER SCHEDULED EVENT, COUNSEL FOR THAT PARTY SHALL, PRIOR TO THE FILING OF ANY MOTION, MEET AND CONFER WITH OPPOSING COUNSEL AND AGREE UPON THREE NEW DATES SHOULD THE MOTION BE GRANTED AND THAT INFORMATION SHALL BE INCLUDED IN THE MOTION. IF COUNSEL FOR THE OPPOSING PARTY OBJECTS TO A CONTINUANCE, THAT FACT SHALL ALSO BE NOTED IN THE MOTION.

(16) Defendant shall appear at every scheduled matter including, but not limited to, motion hearing, pretrial conference, trial and every other proceeding.

If a party believes that there may be a disputed issue on the admissibility of certain evidence at trial, that party's counsel shall file a memorandum of law on that issue, with a copy served upon opposing counsel, at least 48 hours prior to trial.

IT IS FURTHER ORDERED that Defendant be RELEASED pursuant to the conditions in the Order Setting Conditions of Release.

The Clerk of the Court is directed to provide a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: September 20, 2011

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE